

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28505-2018 (O&M)

Date of Decision:-10.10.2018

Suba Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurpreet Singh Sandhu, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Suba Singh seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.151 dated 16.6.2018 under Section 61 of Excise Act at Police Station Talwandi Sabo, District Bathinda.

The FIR was lodged on the basis of secret information received by the police party to the effect that Ramandeep Singh and Suba Singh sell Haryana made liquor in Punjab at higher rates and that they would be going in their Alto Car bearing registration No.HR-24-Q-2191. Pursuant to receipt of the aforesaid information, barricading was raised and an Alto Car bearing registration No.HR-24-Q-2191 was apprehended. It is the case of prosecution that while co-accused Kaur Singh was arrested at the spot, the petitioner Suba Singh managed to escape. The search of the vehicle yielded recovery of 29 casks of Haryana made liquor marked as 'Jugni'.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact he was not even arrested at the spot. It has further been submitted that the co-accused, who was arrested at the spot, has already been granted bail.

On the other hand, the learned State counsel has submitted that in view of the fact that the petitioner was specifically named in the FIR and that the allegations levelled in the FIR stand fully substantiated from apprehension of the car, in which the accused were travelling and from which recovery of 29 casks of Haryana made liquor was effected, no case for grant of anticipatory bail to the petitioner is made out. It has, however, been informed that pursuant directions issued by this Court on 11.7.2018, the petitioner has since joined investigation.

Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioner was not arrested at the spot and has already joined investigation, in my opinion, no case for custodial interrogation is made out. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 11.7.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the case.

The present petition stands accepted accordingly.

10.10.2018

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge